

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

**MARITIME COMMUNICATIONS/LAND)
MOBILE, LLC)**

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

FILED/ACCEPTED

Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)

OCT 25 2012

Applicant for Modification of Various)
Authorizations in the Wireless Radio Services)

*Federal Communications Commission
Office of the Secretary*

Applicant with **ENCANA OIL AND GAS (USA), INC.;**)
DUQUESNE LIGHT COMPANY; DCP)
MIDSTREAM, LP; JACKSON COUNTY RURAL)
MEMBERSHIP ELECTRIC COOPERATIVE;)
PUGET SOUND ENERGY, INC.; ENBRIDGE)
ENERGY COMPANY, INC.; INTERSTATE POWER)
AND LIGHT COMPANY; WISCONSIN POWER)
AND LIGHT COMPANY; DIXIE ELECTRIC)
MEMBERSHIP CORPORATION, INC.; ATLAS)
PIPELINE – MID CONTINENT, LLC; DENTON)
COUNTY ELECTRIC COOPERATIVE, INC.,)
DBA COSERV ELECTRIC; SOUTHERN)
CALIFORNIA REGIONAL RAIL AUTHORITY;)
AND PINNACLE WIRELESS, INC.)

Application File Nos.
0004030479, 0004144435,
0004193028, 0004193328,
0004354053, 0004309872,
0004310060, 0004314903,
0004315013, 0004430505,
0004417199, 0004419431,
0004422320, 0004422329,
0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

For Commission Consent to the Assignment of)
Various Authorizations in the Wireless Radio)
Services)

To: Marlene H. Dortch, Secretary
Attention: Richard L. Sippel, Chief Administrative Law Judge

MOTION TO WITHDRAW NOTICE OF APPEARANCE

Pursuant to Section 1.41 of the Commission's Rules,¹ Denton County Electric Cooperative, Inc. dba CoServ Electric ("CoServ"), by its counsel, hereby submits this

¹ 47 C.F.R. Section 1.41 (2012).

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Motion to Withdraw its Notice of Appearance filed in this proceeding on May 5, 2011 (the "Notice").

CoServ has decided that it no longer will prosecute its captioned application (File No. 0004636537) (the "Application") and that it no longer wishes to participate as a party in this proceeding.² CoServ understands and accepts the fact that, by withdrawing its Notice, the Application will be dismissed with prejudice.³

For the foregoing reasons, CoServ respectfully requests that the Chief Administrative Law Judge grant the attached proposed Order approving its withdrawal of the Notice.

Respectfully submitted,

DENTON COUNTY ELECTRIC
COOPERATIVE, INC. d/b/a COSERV
ELECTRIC


By: Robert J. Miller

GARDERE WYNNE SEWELL LLP
1601 Elm Street
Suite 3000
Dallas, Texas 75201
Telephone: 214-999-4219
Facsimile: 214-999-3219

Its Counsel

October 24, 2012

² On February 7, 2011, CoServ and Maritime Communications/Land Mobile, LLC ("MCLM") executed an Assignment and Assumption Agreement (the "Assignment Agreement") that contemplated filing of the Application. By the attached October 11, 2012, letter, CoServ terminated the Assignment Agreement under authority of the attached October 5, 2012, Order Sustaining Motion for Relief from Stay by the U.S. Bankruptcy Judge in Case No. 11-13463.

³ *Maritime Communications Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, 26 FCC Rcd 6520 (2011) at para. 68.

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For Commission Consent to the Assignment of)
Various Authorizations in the Wireless Radio)
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ORDER

Issued:

Released:

On October 25, 2012, Denton County Electric Cooperative, Inc. d/b/a CoServ Electric ("CoServ"), filed a Motion to Withdraw Notice of Appearance (the "Motion"). In the Motion, CoServ stated that it no longer will prosecute its captioned application (File No. 0004636537) (the "Application"), that it no longer wishes to participate as a party in

this proceeding, and that it understands and accepts the fact that, by withdrawing its Notice of Appearance, the Application will be dismissed with prejudice.

RULING

Accordingly, IT IS ORDERED that the Motion to Withdraw Notice of Appearance filed by CoServ is GRANTED, and IT IS ORDERED that CoServ no longer is a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Richard L. Sippel
Chief Administrative Law Judge



October 11, 2012

**VIA FEDERAL EXPRESS
AND EMAIL**

Mr. John Reardon, CEO
MCLM, LLC
218 N. Lee Street, Suite 318
Alexandria, VA 22314

Re: Denton County Electric Cooperative, Inc. d/b/a CoServ Electric
Assignment and Assumption Agreement Notice of Termination

Dear Mr. Reardon:

On February 7, 2011, Denton County Electric Cooperative, Inc. d/b/a CoServ Electric ("CoServ") and Maritime Communications/Land Mobile, LLC ("MCLM") executed an Assignment and Assumption Agreement (the "Assignment Agreement"). As required under Article II(c) of the Assignment Agreement, CoServ paid MCLM the Deposit (as defined therein) of \$153,600.00. On March 11, 2011, CoServ and MCLM filed the Assignment Application (as defined in the Assignment Agreement) with the Federal Communications Commission, but the Assignment Application was not granted within 12 months thereafter as contemplated in the Assignment Agreement.

As approved in the October 5, 2012, Order Sustaining Motion for Relief From Stay by the U.S. Bankruptcy Judge in Case No. 11-13463 (the "Judge"), CoServ hereby terminates the Assignment Agreement. CoServ hereby terminates the Assignment Agreement pursuant to Article VIII(a)(iii) therein because the Assignment Application was not granted within 12 months. If, however, the Judge or another court of competent jurisdiction rules that termination of the Assignment Agreement under Article VIII(a)(iii) therein is not allowed, then CoServ hereby terminates the Assignment Agreement pursuant to Article VIII(a)(v) therein.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Trivitt", with a stylized flourish at the end.

Curtis Trivitt
Senior Vice President – Energy Services

c: Craig Geno, Esq.
Richard M. Roberson, Esq.
Robert J. Miller, Esq.
Kevin Haney, Esq.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In re: Maritime Communications/Land Mobile, LLC
Debtor**

Chapter 11

**Denton County Electric Cooperative, Inc.
d/b/a CoServ Electric,**

No. 11-13463

Creditor

ORDER SUSTAINING MOTION FOR RELIEF FROM STAY

This Court, having reviewed the Motion for Relief from Stay filed in this matter by Denton County Electric Cooperative, Inc., d/b/a/ CoServ Electric ("CoServ") (Docket No. 498), the Response of the Debtor (Docket 525), and the Reply of CoServ (Docket No. 597) and having held a hearing into the merits of this matter on September 11, 2012, now enters the following Order Sustaining the Motion for Relief from Stay, specifically ordering as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This Motion was brought pursuant to 11 U.S.C. §§ 105 and 362 and Fed. R. Bankr. P. 4001. Notice was in all respects proper.
2. The Motion for Relief from the Automatic Stay is **SUSTAINED** and the automatic stay is lifted.
3. Movant is authorized to exercise any and all applicable remedies under the contract and other applicable law.

4. The terms and provisions of Rule 4001(a)(3), including but not limited to the 14 day stay of enforcement are waived and this order is immediately enforceable.

So ORDERED AND ADJUDGED, this the 5th day of October, 2012.



UNITED STATES BANKRUPTCY JUDGE

Approved as to Form:

/s/ Craig M. Geno
Craig M. Geno
Counsel for the Debtor

/s/ Bradley T. Golmon
Bradley T. Golmon
Counsel for Denton County Electric
Cooperative, Inc., d/b/a/ CoServ Electric

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2012, I served copies of the foregoing "Motion to Withdraw Notice of Appearance" by first class mail, postage prepaid, and by email, upon the parties listed below:

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Rural Electric Membership Cooperative*

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Hon. Richard L. Sippel
Chief Administrative Law Judge
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(Via facsimile and email)

Michele Ellison
Chief, Enforcement Bureau
Pamela S. Kane, Deputy Chief
Investigations and Hearings Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554


Robert J. Miller